

City Council
Atlanta, Georgia

A Substitute

06-O-2469

ORDINANCE

U-06-11

BY:

WHEREAS, the City Council finds that it is in the public interest to allow the owners of certain properties to transfer their development density to adjacent property; and

WHEREAS, S.D.H. Investment Corporation executed a recordable agreement (Exhibit A) setting forth the conditions under which this Transfer of Excess Development Rights is to be approved; and

WHEREAS, the City Council finds that the area of agreement is compatible, regular and logical in relation to the form of the development proposed; and

WHEREAS, the proposed development for the area of agreement as a whole conforms to the intent and requirements set forth in the applicable provisions of the Zoning Ordinance; and

WHEREAS, the Urban Design Commission has approved application LBS-05-487 which included the demolition of the non-historic additions to the Peters House to facilitate the subdivision of the subject property, the transfer of all development rights (except the limited floor area ratio needed for the Savannah College of Art and Design (SCAD) to maintain the Peters House with one residential unit and the construction of an 111-unit condominium building; and

WHEREAS, the preservation and use of the Peters House is also predicated on the transfer of all development rights from the House parcel to the Condominium parcel (except the limited floor area ratio needed for the Savannah College of Art and Design (SCAD) to maintain the Peters House as an arts center with a single residential unit available to house a visiting artist in residence; and

WHEREAS, the agreement assures future protection of the public interest and achievement of public objectives to the same or a higher degree than would application of the regulations to the individual properties; and

WHEREAS, the transfer of development rights will result in a floor area ration of 0.685 or 53, 809.21 square feet of residential development to be transferred from 179 Ponce de Leon Avenue to 625 Piedmont Avenue and one 900 square feet of residential use for an artist in residence shall be permitted at 179 Ponce de Leon Avenue.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of (Section 16-28.023 of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Transfer of Excess Development Rights is hereby approved. Said use is granted to S.D. H. Investment Corporation, its successors, assigns and all subsequent owners. Those Excess Development Rights, as specified in a site plan entitled "Ivy Hall Condominium", prepared by Doulgerakis Consulting Engineers, Inc., dated February 23, 2006, and marked received by the Bureau of Planning, May 9, 2006, are to be transferred from the **Peters House at 179 Ponce de Leon Avenue, N.E. (Donor Parcel) to the proposed Ivy Hall Condominium at 625 Piedmont Avenue, N.E. (Recipient Parcel)**, and that the following calculations were derived based on the following and to wit:

The Peters House is to be owned and restored by the Savannah College of Art and Design (SCAD) and used as an arts center and home for its artist-in-residence program. The amount of residential development currently permitted on the property as a whole is 143,586.5 SF.

Sending Parcel:

GLA (179 Ponce de Leon Avenue) $1.369 \times 43,560 = 59,633.64 + \text{ROW of } 18,919.95 = 78,553.59 \text{ SF GLA} \times 0.696 = 54,673.3 \text{ SF of residential development}$

Peters House $5,088 \text{ SF} - 900 \text{ SF for residential unit} = 900 \text{ SF} / 78,553.59 = 0.011 \text{ FAR}$
 $0.696 - 0.011 = 0.685 \text{ FAR to be transferred or } 53,809.21 \text{ SF of residential development}$

Receiving Parcel:

GLA (625 Piedmont Avenue) $2.066 \times 43,560 = 89,994.96 + \text{ROW of } 37,740.80 = 127,735.76 \text{ SF GLA} \times 0.696 = 88,904.09 \text{ SF of residential}$

$\text{development} + 53,809.21 \text{ of transferred development rights} = 142,713.3 \text{ SF of total residential development}$

$143,586.5 - 142,713.3 = 873.2 \text{ SF less than currently permitted on the property as a whole.}$

SAID TRACTS or parcel of land lying and being in Land Lot 49, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the Special Use Permit, including the agreement executed by S.D.H. Investment Corporation shall be recorded with the Clerk of Superior Court of Fulton County in accordance with the provisions of Section 16-28.023 (4).

SECTION 4. That the Special Use Permit shall be recorded by the Bureau of Planning on the official zoning map (referencing both the Donor and Recipient parcels) in accordance with the provisions of Section 28.023 (4).

SECTION 5. That a floor area ratio (FAR) of 0.685 or 53,809.21 SF of residential development is transferred from 179 Ponce de Leon Avenue to 625 Piedmont Avenue, and that one 900 square feet of residential use for an artist in residence apartment shall be permitted at 179 Ponce de Leon Avenue.

SECTION 6. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

AN ORDINANCE

BY: COUNCILMEMBER CARLA SMITH



U-06-11

WHEREAS, the City Council finds that it is in the public interest to allow the owners of certain properties to transfer their development density to adjacent property; and

WHEREAS, S.D.H. Investment Corporation executed a recordable agreement (Exhibit A) setting forth the conditions under which this Transfer of Excess Development Rights is to be approved; and

WHEREAS, the City Council finds that the area of agreement is compatible, regular and logical in relation to the form of the development proposed; and

WHEREAS, the proposed development for the area of agreement as a whole conforms to the intent and requirements set forth in the applicable provisions of the Zoning Ordinance; and

WHEREAS, the Urban Design Commission has approved application LBS-05-487 which included the demolition of the non-historic additions to the Peters House to facilitate the subdivision of the subject property, the transfer of all development rights (except the limited floor area ratio needed for the Savannah College of Art and Design (SCAD) to maintain the Peters House with one residential unit and the construction of an 111-unit condominium building; and

WHEREAS, the preservation and use of the Peters House is also predicated on the transfer of all development rights from the House parcel to the Condominium parcel (except the limited floor area ratio needed for the Savannah College of Art and Design (SCAD) to maintain the Peters House as an arts center with a single residential unit available to house a visiting artist in residence; and

WHEREAS, the agreement assures future protection of the public interest and achievement of public objectives to the same or a higher degree than would application of the regulations to the individual properties; and

WHEREAS, the transfer of development rights will result in a floor area ration of 0.685 or 53, 809.21 square feet of residential development to be transferred from 179 Ponce de Leon Avenue to 625 Piedmont Avenue and one 900 square feet of residential use for an artist in residence shall be permitted at 179 Ponce de Leon Avenue.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of (Section 16-28.023 of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Transfer of Excess Development Rights is hereby approved. Said use is granted to S.D. H. Investment Corporation, its successors, assigns and all subsequent owners. Those Excess Development Rights, as specified in a site plan entitled "Ivy Hall Condominium", prepared by Doulgerakis Consulting Engineers, Inc., dated February 23, 2006, and marked received by the Bureau of Planning, May 9, 2006, are to be transferred from the **Peters House at 179 Ponce de Leon Avenue, N.E. (Donor Parcel) to the proposed Ivy Hall Condominium at 625 Piedmont Avenue, N.E. (Recipient Parcel)** to wit:

SAID TRACTS or parcel of land lying and being in Land Lot 49, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the Special Use Permit, including the agreement executed by S.D.H. Investment Corporation shall be recorded with the Clerk of Superior Court of Fulton County in accordance with the provisions of Section 16-28.023 (4).

SECTION 4. That the Special Use Permit shall be recorded by the Bureau of Planning on the official zoning map (referencing both the Donor and Recipient parcels) in accordance with the provisions of Section 28.023 (4).

SECTION 5. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

PROPERTY DESCRIPTIONS

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 49 OF THE 14th DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF NORTH AVENUE (HAVING A 80' R/W) AND THE EASTERLY RIGHT-OF-WAY OF PIEDMONT AVENUE (HAVING A 60' R/W); THENCE FOLLOWING THE EASTERLY RIGHT-OF-WAY OF PIEDMONT AVENUE

1. NORTH 04° 46' 30" EAST, 360.20 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF PONCE DE LEON AVENUE (HAVING A 90' R/W); THENCE FOLLOWING SAID RIGHT-OF-WAY OF PONCE DE LEON AVENUE
2. NORTH 86° 38' 01" EAST, 403.55 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF MYRTLE STREET (HAVING A 60' R/W); THENCE FOLLOWING SAID RIGHT-OF-WAY OF MYRTLE STREET
3. SOUTH 04° 42' 03" WEST, 388.46 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF NORTH AVENUE; THENCE FOLLOWING SAID RIGHT-OF-WAY OF NORTH AVENUE
4. NORTH 89° 21' 14" WEST, 401.03 FEET TO A 1/2" REBAR FOUND AND THE POINT OF BEGINNING, CONTAINING 149,644 SQUARE FEET OR 3.435 ACRES OF LAND, MORE OR LESS.

DESCRIBED PROPERTY IS SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS, BOTH RECORDED AND UNRECORDED.

PHASE ONE: *Sending Parcel*

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 49 OF THE 14th DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING COMMENCE AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF NORTH AVENUE (HAVING A 80' R/W) AND THE EASTERLY RIGHT-OF-WAY OF PIEDMONT AVENUE (HAVING A 60' R/W); THENCE FOLLOWING THE EASTERLY RIGHT-OF-WAY OF PIEDMONT AVENUE NORTH 04° 46' 30" EAST, 160.83 FEET TO A POINT AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OR PARCEL OF LAND; THENCE LEAVING THE SAID POINT OF BEGINNING AND CONTINUING WITH THE SAID LINE OF PIEDMONT AVENUE:

1. NORTH 04° 46' 30" EAST, 199.37 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF PONCE DE LEON AVENUE; THENCE, RUNNING WITH THE SAID RIGHT-OF-WAY OF PONCE DE LEON AVENUE
2. NORTH 86° 38' 07" EAST, 287.53 FEET TO A POINT; THENCE LEAVING THE SAID RIGHT-OF-WAY OF PONCE DE LEON AVENUE AND RUNNING
3. SOUTH 04° 42' 03" EAST, 219.51 FEET; THENCE,
4. NORTH 89° 21' 14" WEST, 285.66 FEET TO THE POINT OF BEGINNING, CONTAINING 59,648 SQUARE FEET OR 1.3693 ACRES, MORE OR LESS.

DESCRIBED PROPERTY IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY, BOTH RECORDED AND UNRECORDED.

PHASE TWO: *Receiving Parcel*

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 49 OF THE 14th DISTRICT, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF NORTH AVENUE (HAVING A 80' R/W) AND THE EASTERLY RIGHT-OF-WAY OF PIEDMONT AVENUE (HAVING A 60' R/W); THENCE FOLLOWING THE EASTERLY RIGHT-OF-WAY OF PIEDMONT AVENUE

1. NORTH 04° 46' 30" EAST, 160.83 FEET TO A POINT THENCE LEAVING THE SAID RIGHT-OF-WAY OF PIEDMONT AVENUE AND RUNNING
2. SOUTH 89° 21' 14" EAST, 285.66 FEET TO A POINT; THENCE
3. NORTH 04° 42' 03" EAST, 219.51 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF PONCE DE LEON AVENUE; THENCE FOLLOWING SAID RIGHT-OF-WAY OF PONCE DE LEON AVENUE
4. NORTH 86° 38' 07" EAST, 116.02 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF MYRTLE STREET; THENCE, FOLLOWING SAID RIGHT-OF-WAY OF MYRTLE STREET
5. SOUTH 04° 42' 03" WEST, 388.46 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF NORTH AVENUE; THENCE FOLLOWING SAID RIGHT-OF-WAY OF NORTH AVENUE
6. NORTH 89° 21' 14" WEST, 401.03 FEET TO A 1/2" REBAR FOUND AND THE POINT OF BEGINNING, CONTAINING 89,996 SQUARE FEET OR 2.0660 ACRES OF LAND, MORE OR LESS

DESCRIBED PROPERTY IS SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS, BOTH RECORDED AND UNRECORDED.